

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

In re	§	
	§	
EPTMS, INC.,	§	Case No. 17-31729-HCM-11
	§	
Debtor.	§	

**MOTION TO REJECT UNEXPIRED LEASE**

TO THE HONORABLE H. CHRISTOPHER MOTT, UNITED STATES BANKRUPTCY JUDGE:

**This pleading requests relief that may be adverse to your interests.**

**If no timely response is filed within twenty-one (21) days from the date of service, the relief requested herein may be granted without a hearing being held.**

**A timely response is necessary for a hearing to be held.**

Now comes the Debtor-in-Possession EPTMS, INC. and through its counsel E.P. BUD KIRK files this Motion to Reject the Unexpired Lease of non-residential real property which it has with VILLAGE @ LA ORILLA, LLC as managed by CMS PROPERTY, INC., for the premises known as 3200 La Orilla, Space D, Albuquerque, New Mexico, and for cause would show:

1.

Petition date in these Chapter 11 proceedings is October 25, 2017. The Debtor has leased a shopping center property at 3200 La Orilla, Space D, Albuquerque, New Mexico from the lessor VILLAGE @ LA ORILLA, LLC as managed by CMS PROPERTY, INC. (hereinafter "the Lease"). The Lease was signed in October 2016; possession was not taken until August 2017, and because EPTMS, INC. was due a credit for each day occupancy was delayed, there is no rent accrued to date. The Lease runs for seven years.

2.

EPTMS, INC. wishes to reject the Lease because it is about to become burdensome to this estate.

WHEREFORE, PREMISES CONSIDERED, EPTMS, INC. prays that the rejection of this Lease be approved. Further Debtor prays for all other relief deserved in the circumstances, general or special, at law or equity.

Respectfully submitted this 22<sup>d</sup> day of January, 2018.

/s/ E.P. Bud Kirk

E.P. BUD KIRK  
State Bar No. 11508650  
600 Sunland Park Dr.  
Building Four, Suite 400  
El Paso, TX 79912  
(915) 584-3773  
(915) 581-3452 facsimile  
budkirk@aol.com

Attorney for Debtor-in-Possession

**CERTIFICATE OF SERVICE**

I do hereby certify that on the 22<sup>d</sup> day of January, 2018, I did cause a copy of the foregoing Motion to Reject Unexpired Lease to be mailed or delivered to U.S. Trustee, P.O. Box 1539, San Antonio, TX 78205-1539; to EPTMS, INC., 9813 Dyer, Suite 300, El Paso, TX 79924; to Village @ La Orilla, LLC, Attn: Phil Lindborg, Managing Member, 12809 Donette Ct., NE, Albuquerque, NM 87112; and to CMS Property, Inc., Attn: Ceili Feldkamp, 5800 San Francisco Rd. NE, Albuquerque, NM 87109.

/s/ E.P. Bud Kirk

E.P. BUD KIRK